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OCT 21 2004

In re Application of
Jerry Moscovitch
Application No. 10/764,572
Filed: January 27, 2004
Attorney Docket No. 13772-3

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ON PETITION

This is a decision on papers filed on September 23, 2004, which is being treated as a petition under 37 CFR 1.53, requesting that the above-identified application be accorded a filing date of January 27, 2004, including Figures 16 and 17, as described in the specification.

The application was filed on January 27, 2004. However, on July 23, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice Of Omitted Item(s) in a Nonprovisional Application" (Notice) that stated the application had been accorded a filing date, and "Figures 16, 17 described in the specification" appear to have been omitted.

In response, on September 23, 2004, the instant petition was submitted. The petition states, "As can be seen from the return receipt card having a USPTO stamp on it, eight pages of drawings were filed on January 27, 2004, which represents the full complement of figures." However, petitioner has not submitted a copy of the missing Figures (as originally submitted on January 27, 2004), and therefore, a complete review of the instant petition on the merits is not possible.

At the present time, the petition must be dismissed. However, this decision is made without prejudice to reconsideration. Petitioner should submit a copy of the missing Figures (as originally submitted on January 27, 2004). No additional petition fee is required for such a request.

Any request for reconsideration should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely. This time period may not be extended pursuant to 37 CFR 1.136.

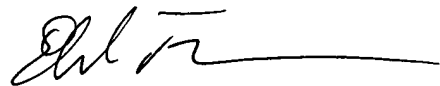
Further correspondence with respect to this matter should be addressed as follows:

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